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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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06/919,060	10/15/86	VALUCHN	25590-0330

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EXAMINER	
MILLER, J	
ART UNIT	PAPER NUMBER
237	2

DATE MAILED: 07/29/88

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- ☒ Claims 1-16 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-16 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

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The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-16 are rejected under 35 U.S.C. 103 as being unpatentable over U.S. patent number 4,722,043 to Nagamine et al.

The applicant's control system for monitoring and controlling equipment is seen to be obvious in view of the Nagamine teaching of a control system with time shared execution of ladder and nonladder programs. The essential features of the invention are shown by the reference as follows:

a. the control means including a plurality of programs each having associated memory is shown in the Nagamine patent as the programmable controller in Figure 2 and discussed in col. 2.

b. The data base memory is not specifically shown but would be obvious in view of the ladder management program which controls ladder programs A, B,

and C because a ladder management program manages both data and instructions as an overseeing program for operation of the machine tool.

c. The process for executing each of said programs to produce new data is also shown in Figure 2 in that new data may be input through the keyboard 16 and fed to the processor 11.

d. The data base management function for controlling the transfer of data is not specifically shown but would appear to be obvious in view of the ladder management program which controls the implementation of the ladder programs. Although this specific teaching does not show that the data base may be altered it is clear that the data or programs could be altered by the keyboard means shown in Figure 2.

Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, it is not clear what is meant by a communication program, i.e., is the applicant referring to a networking program.

In claim 10, it is not clear how the output program for display data will "graphically" display representations.

In claim 11, the applicant recites a method by the steps of the method are vague and indefinite in that it is not clear what is performing the steps of operating and storing. The additional step of

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"requesting" a transfer of data also does not particular and specific to be in compliance with this statute paragraph.

In claim 12, the claim is vague and indefinite in that it is not clear when reading status bits indicates a change in the data element.

In claim 13 and 14, it is not clear what is meant by new output data, i.e., the status bits may indicate that new data is sent, changed or transferred, but how are these respective changes indicated.

In claim 15, it is not clear what sort of mathematical computation is being performed, i.e., is this an address calculation.

In claim 16, the claim is vague and indefinite for the reasons given in the rejection of claim 1. In addition, it is not clear how the status bit associated with a data element would indicate that the data in an element had changed since a previous transfer, i.e., immediately preceding transfer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Mills whose telephone number is (703) 557-8034.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-2878.


JM/ba

7/18/88


GARETH D. SHAW
SUPERVISORY PATENT EXAMINER
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